

Notice of Allowability

Application No.

10/699,374

Examiner

Kahsay Habte, Ph. D.

Applicant(s)

CECI ET AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/31/2005.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/141,208.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

S.O.O.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Enter the following:

1. In claim 1 (page 3, line 4, line 8 and line 16; page 4, line 6), from the definition of R^1 ; R^2 and R^3 ; R^4 and R^5 , delete the phrase "a group".
2. In claim 2 (page 4, line 2, line 5; page 5, line 3 and line 7), from the definition of R^1 ; R^2 and R^3 ; R^4 and R^5 , delete the phrase "a group".
3. In claim 3 (page 5, line 5; page 6, line 1), from the definition of R^4 and R^5 , delete the phrase "a group".
4. In claim 4 (page 6, line 3; page 6, line 6), from the definition of R^4 and R^5 , delete the phrase "a group".
5. In claim 1 (page 3, line 6) after the substituent " $-C_1-C_4$ -alkyl- NR^6R^7 " and before the substituent " $-C_1-C_4$ -alkyl-O- C_1-C_4 -alkyl" delete the word "and".

6. In claim 1 (page 3, line 11) after the substituent “-C₁-C₄-alkyl-NR⁶R⁷” and before the substituent “-C₁-C₄-alkyl-O-C₁-C₄-alkyl” delete the word “and”.

7. In claim 1, (page 4, line 3 and page 4, line 9) after the substituents -NR⁶R⁷ and the word “an” delete in two places the word “and”.

8. In claim 1 (page 3, line 7 and line 11) in the definitions of R¹ and R², R³, replace “and” with --or-- so that the claim reads “or C₃-C₆-cycloalkyl”.

9. In claim 2 (page 4, line 4), delete from the definition of R¹ the word “and”.

10. In claim 2, (page 4 line 4) before the term “benzyl” insert --or-- so that the claim reads “or benzyl”.

11. In claim 2 (page 4, line 8) in the definition of R² and R³ replace the word “and” with --or--.

12. In claim 2 (page 5, line 6) in the definition of R⁴ replace the word “and” with --or--.

13. In claim 2 (page 5, line 10) in the definition of R⁵, replace the word “and” with --or--.

14. In claim 3 (page 5, line 8 and page 6, line 4) in two places for the definitions of R⁴ and R⁵, replace the word "and" with --or--.

15. In claim 4 (page 6, line 5 and page 6, line 8) in two places for the definitions of R⁴ and R⁵, replace the word "and" with --or--.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte, Ph. D. whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson (Acting SPE) can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kahsay Habte, Ph. D.
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KH
June 13, 2005



James Wilson
Supervisory Patent Examiner
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